

REMARKS

Summary of the Office Action

Claims 1-56 are currently pending.

Claims 1-9 and 30 were rejected under 35 U.S.C. § 102(e).

Claims 10-29 were rejected under 35 U.S.C. § 103(a).

Claims 31-56 were previously withdrawn.

Interview Summary

Applicant acknowledges with appreciation the courtesy extended by the Examiner during the telephone interview with the Applicants' attorney of record on July 9, 2008. In accordance with MPEP § 713.04, Applicants summarize herewith the details of the interview with the Examiner.

During the interview, the subject matter of the pending claims was discussed, with particular attention directed to the subject matter of claims 1, 7, and 9 in comparison with that of the cited prior art. The Examiner indicated that claim 9 overcomes the art cited in the Office Action. The Examiner indicated that claim 7, with an amendment clarifying that the identifying criteria includes the SIP address would likely overcome the art cited in the Office Action. However, the Examiner noted that further consideration may be necessary. A prototype of the instant invention was not exhibited during the interview.

Applicants' Response

In this Response, Applicants add new claims 57 and 58 and address the Examiner's rejections. Support for the new claims can be found throughout the application and Applicants respectfully submit that no new matter has been added. Amendments to the claims are being made solely to expedite prosecution and do not constitute an acquiescence

to any of the Examiner's rejections. Applicants' silence with regard to the Examiner's rejections of the dependent claims constitutes a recognition by the Applicants that the rejections are moot based on Applicants' Remarks relative to the independent claim from which the dependent claims depend. Applicants reserve the option to further prosecute the same or similar claims in the present or a subsequent application. Upon entry of the Amendment, claims 1-30 and 57-58 are pending.

Applicants respectfully traverse all rejections of record and respectfully request allowance of pending claims 1-30 and 57-58.

Rejections Under 35 U.S.C. § 102(e)

In the Office Action, claims 1-9 and 30 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,654,261 to Gudjonsson et al. ("Gudjonsson").

Claim 1

Applicants' independent claim 1 is directed to a single unified end-user network appliance for providing packetized data over a packet data network. Among other things, independent claim 1 includes a network controller subsystem coupled to the packet data network for establishing point-to-point communications, a digital signal processing subsystem coupled to the network controller subsystem, the digital signal processing subsystem further comprising a computer program for detecting incoming calls and initiating call sessions, a signal conversion subsystem coupled to the digital signal processing subsystem, and a user interface subsystem coupled to both the signal conversion subsystem and the digital signal processing subsystem.

Gudjonsson neither discloses nor suggests a single unified end-user network

appliance including, among other things, a network controller subsystem coupled to said packet data network for establishing point-to-point communications. Instead, Gudjonsson describes a network including plurality of clusters of servers wherein aspects of the network act as brokers and broker communication services between two or more people (*see* col. 7, lines 35-39 and 52-56). Gudjonsson utilizes a special service within each cluster called the Routing Service, distinct from the described client devices, which is required to connect the users, as messages are never sent directly between users and instead pass through the routing service. (*see* col. 9, lines 17-28). On the other hand, claim 1 recites a single unified end-user network appliance that includes a network controller subsystem coupled to a packet data network for establishing point-to-point communications. In the Office Action, the Examiner cited col. 3, lines 46-62 of Gudjonsson as allegedly disclosing these features. (Office Action at page 9). Applicants respectfully submit that the cited portion of Gudjonsson does not disclose or suggest a single unified end-user network appliance including a network controller subsystem coupled to said packet data network for establishing point-to-point communications as recited in claim 1.

In fact, the cited portion of Gudjonsson actually teaches away from the single unified end-user network appliance as claimed, and describes a device that requires the use of at least one intermediate routing service provided separately from the described client devices and on a communications network, used to mask user information. Specifically, Gudjonsson describes, “[i]n certain embodiments, messages *are not sent directly between users*, but instead through at least one intermediate routing service (RS) provided on a server of one of the users.” (Gudjonsson, col. 3, lines 46-49, *emphasis added*). Here, Gudjonsson explicitly teaches away from the capability of point-to-point communications as recited in claim 1. Gudjonsson further describes, “[i]n certain embodiments, a user may establish a

communication session with another user without knowledge of the client device being used by the other user; *as the network arranges* for communication...between the users regardless of the client device being used by the called user.” (Gudjonsson, col. 3, lines 51-58, emphasis added). Again, Gudjonsson teaches away from the capability of point-to-point communications as recited in claim 1, and instead describes clients that require the network to arrange for communication between them. Nowhere does Gudjonsson disclose or suggest a single unified end-user network appliance capable of establishing point-to-point communications as recited in claim 1. In contrast, each embodiment of the invention described in Gudjonsson requires the use of a separate network routing service, distinct from the client device, in order to arrange for communications between users.

Accordingly, Gudjonsson neither teaches nor suggests a single unified end-user network appliance including a network controller subsystem coupled to said packet data network for establishing point-to-point communications. Since Gudjonsson neither teaches nor suggests such a single unified end-user network appliance, Gudjonsson cannot and does not teach or suggest a single unified end-user network appliance including a network controller subsystem coupled to said packet data network for establishing point-to-point communications, as claimed in independent claim 1. Independent claim 1 is, therefore, allowable.

Since claim 1 is allowable, claims 2-9 depending therefrom are also allowable.

Applicants’ independent claim 30 is directed to a packet data network system that includes at least one single unified end-user data network appliance that is analogous to the single unified end-user network appliance of independent claim 1. Applicants’

independent claim 30 is therefore allowable for at least the reasons provided with respect to independent claim 1.

Claim 6-8 and 57-58

Claims 6-8 and 57-58 depend, directly or indirectly, from claim 1. Therefore, claims 6-8 and 57-58 include all of the limitations of claim 1, in addition to the limitations recited in each individual dependent claim. Since claim 1 is allowable, claims 6-8 and 57-58 depending therefrom are also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claims 6-8 and 57-58 recite additional features not disclosed or suggested by the prior art of record. For example, dependent claim 6 further recites that the computer program implements a monitor feature, wherein on detection of a call directed to the appliance from a caller, a call session is automatically initiated with said microphone enabled and said speaker disabled during the call session. Dependent claim 7 further recites that the digital signal processor activates a monitor feature only if the received identifying criteria matches at least one of the stored identifying criteria of said at least one predetermined approved caller. Applicants have added new claim 57, which further recites that the identifying criteria comprises an SIP address, as suggested by the Examiner during the telephonic interview of July 9, 2008. Gudjonsson neither discloses nor suggests these features of claims 6-8 and 57-58.

Instead, the portion of Gudjonsson cited by the Examiner describes the use of an address book and buddy list (col. 35, line 12 - col. 36, line 6) and text and chat conferencing (col. 37, lines 23-58). Specifically, the portion of Gudjonsson discussing the address book and buddy list describes, “[t]he application can provide users with a single, centralized address book which stores user information on every user in the community” (col. 35, lines 13-15) and “the buddy list (a.k.a. contact list) is a set of users.” (Col. 35, line 38).

The portion of Gudjonsson describing the text and chat conferencing describes “Once a conference has started, the originating user has special privileges within the conference, and can invite additional users to the conference..., kick users from the conference..., and/or give or take away the right to speak in the conference.” (Col. 37, lines 46-51). These special privileges apply, once a conference has already started. Therefore, Gudjonsson neither discloses nor suggests implementing “a monitor feature, wherein on detection of a call directed to the appliance from a caller, a call session is automatically initiated with said microphone enabled and said speaker disabled during the call session” as dependent claim 6 recites. Further, Gudjonsson neither discloses or suggests “the digital signal processor activates a monitor feature only if the received identifying criteria matches at least one of the stored identifying criteria of said at least one predetermined approved caller” as claim 7 recites, and Gudjonsson neither discloses nor suggests that “the identifying criteria comprises an SIP address,” as claim 57 recites.

Accordingly, Gudjonsson neither teaches nor suggests the additional features of dependent claims 6-8 and 57-58. Dependent claims 6-8 and 57-58 are, therefore, allowable for at least these additional reasons.

Claim 9

Claim 9 depends from claim 1. Therefore, claim 9 includes all of the limitations of claim 1, in addition to the limitations recited in the dependent claim. Since claim 1 is allowable, claim 9 depending therefrom is also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claim 9 recites additional features not disclosed or suggested by the prior art of record. For example, dependent claim 9 further recites that the single unified end-user network appliance’s computer program implements a call forwarding feature, wherein at least one forwarding SIP address is stored in at least one

memory devices coupled to the device, at least one of said forwarding SIP addresses is selectable by a user via said user interface subsystem. Gudjonsson does not disclose or suggest these features of claim 9.

Instead, the portion of Gudjonsson cited by the Examiner describes the use of a Routing Service stored on the network used to send messages between users, which is provided separately from the described client devices. (Col. 9, line 8 - col. 10, line 46). In contrast to claim 9 in which the call forwarding is performed within the single unified network appliance itself, any forwarding of messages described in Gudjonsson is performed at the Routing Service (RS). Therefore, Gudjonsson actually *teaches away* from claim 9. Gudjonsson describes, “User B has instructed his/her [Routing Service] RS to forward invitation messages to his/her mobile phone 14 when user B is not online. Thus user B’s RS forwards the invitation message to service 10 which interfaces with the external cellular telecommunications network., which in turn enables the message to be forwarded to the network and ultimately to user B’s mobile phone 14.” (Gudjonsson, col. 10, lines 14-21). Therefore, Gudjonsson neither discloses nor suggests a single unified end-user network appliance’s computer program implements a call forwarding feature, wherein at least one forwarding SIP address is stored in at least one memory devices coupled to the device, at least one of said forwarding SIP addresses is selectable by a user via said user interface subsystem. Dependent claim 9 is, therefore, allowable.

Rejections Under 35 U.S.C. § 103(a)

Claims 11-19 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gudjonsson in view of U.S. Patent No. 6,842,505 to Suder et al. (“Suder”). Claims 10, 20, and 22-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable

over Gudjonsson in view Suder and further in view of U.S. Patent No. 6,608,832 to Forslow ("Forslow").

A *facie* case of obviousness under 35 U.S.C. 103(a) requires (1) a motivation to combine references, (2) a reasonable expectation of success, and (3) a teaching or suggestion of all claimed features. As provided herein, none of the cited references, whether considered separately or in combination, provides a single unified end-user network appliance including a network controller subsystem coupled to said packet data network for establishing point-to-point communications as recited in claim 1. The Examiner thus fails to provide a *prima facie* case of obviousness for at least this reason. Applicants' failure to address the motivation to combine references and the reasonable expectation of success elements of 35 U.S.C. 103(a) does not constitute an admission that such elements are satisfied, but rather a recognition that such elements are moot given the Examiner's failure to provide a showing of a teaching or suggestion of all claimed features. Applicants reserve the option to comment on such elements in further prosecution.

Claims 10-29 depend from claim 1. Therefore, claims 10-29 include all of the limitations of claim 1, in addition to the limitations recited in the dependent claim. Suder has only been cited by the Examiner as allegedly disclosing a sensor. Forslow has only been cited as allegedly disclosing network protocols. Assuming, *arguendo*, that Suder and Forslow did disclose these features, Suder and Forslow, either alone or in combination, still fail to overcome the deficiencies of Gudjonsson discussed above as none disclose or suggest a single unified end-user network appliance including a network controller subsystem coupled to said packet data network for establishing point-to-point communications. Therefore, claims 10-29 are allowable for at least this reason.

Claims 12-17

As discussed previously, since claim 1 is allowable, claims 12-17 depending therefrom are also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claims 12-17 recite additional features not disclosed or suggested by the prior art of record. For example, dependent claim 13 further recites “when no call session is in progress streaming data is received from the network and is converted to audio signals provided to said speaker.” Dependent claim 14 further recites that “the program reverts out of streaming media mode in the event a new call session is initiated.” Dependent claim 16 further recites the streaming data is received from the network and is selectively forwarded to another device during a call session where the data is convertible to perceptible signals by said device. Gudjonsson and Suder, either alone or in combination, neither disclose nor suggest these features of claims 12-17.

Instead, the portion of Gudjonsson cited by the Examiner describes the use of a Routing Service stored on the network used to send messages between users, which is provided separately from the described client devices. (Col. 9, line 8 - col. 10, line 46). In fact, there is nothing in the cited portion of Gudjonsson that describes what the system does when no call session is in progress, as it instead focuses on how an invitation is routed from one user to another utilizing the Routing Service. Therefore, Gudjonsson neither discloses nor suggests “when no call session is in progress streaming data is received from the network and is converted to audio signals provided to said speaker” as dependent claim 13 recites. Further, Gudjonsson neither discloses or suggests “the program reverts out of streaming media mode in the event a new call session is initiated.” as claim 14 recites, and Gudjonsson neither discloses nor suggests that “the streaming data is received from the network and is

selectively forwarded to another device during a call session where the data is convertible to perceptible signals by said device” as claim 16 recites.

Accordingly, Gudjonsson and Suder, either alone or in combination, neither teach nor suggest the additional features of dependent claims 12-17. Dependent claims 12-17 are, therefore, allowable for at least these additional reasons.

Claim 21

As discussed previously, since claim 1 is allowable, claim 21 depending therefrom is also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claim 21 recites additional features not disclosed or suggested by the prior art of record. For example, dependent claim 21 further recites an analog-to-digital (A/D) converter for converting incoming audio data into digital incoming audio data, an encoder coupled to said A/D converter for encoding said digital incoming audio data, a decoder for decoding digital outgoing audio data provided by said digital signal processing subsystem, an digital-to-analog (D/A) converter coupled to said decoder for converting digital outgoing audio data into outgoing audio data, and an audio amplifier coupled to the handset and the corresponding speaker and microphone for conditioning said incoming and outgoing audio data. Gudjonsson and Suder, either alone or in combination, neither disclose nor suggest these features of claim 21.

Instead, the portion of Gudjonsson cited by the Examiner describes the use of a Routing Service stored on the network used to send messages between users, which is provided separately from the described client devices. (Col. 9, line 8 - col. 10, line 46). In fact, the cited portion of Gudjonsson does not mention a single decoder, encoder, or amplifier as required by the claim. Therefore, Gudjonsson neither discloses nor suggests “an analog-to-digital (A/D) converter for converting incoming audio data into digital incoming audio

data, an encoder coupled to said A/D converter for encoding said digital incoming audio data, a decoder for decoding digital outgoing audio data provided by said digital signal processing subsystem, an digital-to-analog (D/A) converter coupled to said decoder for converting digital outgoing audio data into outgoing audio data, and an audio amplifier coupled to the handset and the corresponding speaker and microphone for conditioning said incoming and outgoing audio data” as claim 21 recites.

Accordingly, Gudjonsson and Suder, either alone or in combination, neither teach nor suggest the additional features of dependent claim 21. Dependent claim 21 is, therefore, allowable for at least these additional reasons.

Claim 22

As discussed previously, since claim 1 is allowable, claim 22 depending therefrom is also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claim 22 recites additional features not disclosed or suggested by the prior art of record. For example, dependent claim 22 further recites that the computer program further comprises an Ethernet protocol layer, an Internet Protocol (IP) layer stacked on top of said Ethernet protocol layer for interfacing with said Ethernet protocol layer, an Address Resolution Protocol layer stacked on top of said Ethernet protocol layer, a User Datagram Protocol (UDP) layer stacked on top of said ARP and IP layer, a Real-Time Transport Protocol (RTP) layer stacked on top of said UDP layer, one or more control protocol layers stacked on top of said UDP layer, and one or more application protocols stacked on top of said RTP layer. Forslow does not disclose or suggest this arrangement of layers. The cited portion of Forslow describes:

FIG. 7 is a diagram which depicts a particular mobile application that includes three example application flows including a video application flow, an audio application flow, a conferencing application flow along with a system control operations flow (a total of four application flows). Each flow has a quality of

service associated with it recognized on the IP layer. At the transport layer, each application flow uses different coding and messaging protocols as appropriate. The video and audio application flows typically are processed through codecs, e.g., H.263/H.261 for video or GSM 06.10 for audio, and are then encapsulated into the real-time transfer protocol (RTP) for delay-sensitive transport end-to-end. Application flows including control data for application sessions like conference sessions do not require codecs but instead use real-time session control (RTSP), session invitation (SIP), and session announcement (SAP) protocols. These protocols are further encapsulated into UDP or TCP to build a total transport layer. The last "application flow" relates to the system control and relies on transport protocols that handle the resource reservation of the other flows, e.g., RSVP, and the dynamic configuration of the mobile station, e.g., DHCP. (Forslow, col. 11, line 56-col. 12, line 10)

While Forslow does describe certain layers, it fails to disclose or suggest the use of an Address Resolution Protocol layer or the specific arrangement of layers as recited in claim 22. Claim 22 is therefore allowable over the cited art for at least this additional reason.

Based on the foregoing Amendment and Remarks, Applicants traverse the Examiner's rejections of claims 1-9 and 30 and 10-29 under 35 U.S.C. §102(e) and §103(a), respectively.

CONCLUSION

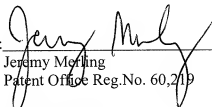
In view of the foregoing Amendment and Remarks, favorable consideration and allowance of claims 1-30 and 57-58 is respectfully solicited. Applicants hereby authorize the Commissioner to charge payment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 02-4377. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,

BAKER BOTTS L.L.P.

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